
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Fidelity Investments Inc.
Licensee of Station WQAG275
Boston, MA

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File No.: EB-FIELDNER-13-00012111

NOV No.: V201432260001

NOTICE OF VIOLATION

Released: December 17, 2013

By the District Director, Boston Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Fidelity Investments Inc., licensee of Private Land Mobile Radio Station WQAG275, in Boston, Massachusetts. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On November 7, 2013, agents of the Enforcement Bureau's Boston Office inspected Private Land Mobile Station WQAG275 and observed the following violation:

47 C.F.R. § 90.219 "Licensees authorized to operate radio systems in the frequency bands above 150 MHz may employ signal boosters at fixed locations in accordance with the following criteria: (a) The amplified signal is retransmitted only on the exact frequency(ies) of the originating base, fixed, or mobile, or portable station(s). . . (e) Certified equipment must be employed and the licensee must ensure that all applicable rule requirements are met." Fidelity Investments is authorized a MO (Mobile) station class on the frequency 466.975 MHz, but was operating a non-certified booster continuously on the frequency 468.375 MHz.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Fidelity Investments Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Fidelity Investments Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an individual who has personal knowledge of the representations provided in Fidelity Investments Inc.'s response and who has the authority to verify the truth and accuracy of the information therein,⁵ and confirm that all of the information requested by this Notice which is in the possession, custody, control, or knowledge of Fidelity Investments Inc. has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Boston Office
1 Batterymarch Park
Quincy, MA 02169

6. This Notice shall be sent to Fidelity Investments Inc. at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Dennis Loria
District Director
Boston District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).